

of Pneumatica Extra Strong, and the circular accompanying all three lots, bore claims of curative and therapeutic properties that the articles did not possess.

On December 23, 1930, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 102 boxes and 471 tubes of Pneumatica, and 27 tubes of Pneumatica Extra Strong at Pittsburgh, Pa., alleging that the articles had been shipped by the Charles F. Polk Co., from Troy, N. Y., in various lots, on or about January 28, May 19, and October 6, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the Pneumatica was an ointment containing from 10 to 12.5 per cent of volatile ingredients including camphor, methyl salicylate and phenol, capsicum oleoresin, an extract of an alkaloid-bearing drug, petrolatum, and waxy matter; and Pneumatica Extra Strong was an ointment containing approximately 15 per cent of volatile ingredients including camphor, methyl salicylate and phenol, capsicum oleoresin, an extract of an alkaloid bearing drug, petrolatum, and waxy matter.

The libels charged in substance that the articles were misbranded in that certain statements appearing in the labeling, regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

The charges recommended by this department were that the articles were misbranded in that the following statements in the labeling were false and fraudulent: (Carton containing Pneumatica in boxes) "An external application for Pneumonia, Croup, Asthma, Bronchitis, Rheumatism, Neuritis, Lumbago, Sciatica, Pleurisy * * * And All Other Forms of Internal Congestion, Inflammation and Consolidation;" (carton containing Pneumatica Extra Strong) "An External Application for Pneumonia, Croup, Asthma, Bronchitis, Rheumatism, Lumbago, Sciatica, Pleurisy * * * And All Other Forms of Internal Congestion, Inflammation and Consolidation;" (circular accompanying all three styles) "Pneumatica quickly relieves pain and its record in the treatment of Pneumonia during the past twenty years is one of constant success. * * * It displaces * * * any kind of * * * method for treating internal inflammation or congestion * * * relieving pain instantly and is certain in its results. * * * for the external treatment of pains and aches from Congestion, Consolidation or Inflammation. It is recommended for its instantaneous action. * * * Especial attention of the physician is called to its great value in cases of Pneumonia. * * * Pneumonia * * * in extreme cases use Extra Strong. Rheumatism, Neuralgia, Neuritis, Lumbago, Sciatica, Pleuritic Pains, Peritoneal Pains, Chest or Tubercular Pains, Stiff Joints, Bronchitis, * * * Sore Throat, Asthma * * * Backache * * * Pleurisy, Stomach or Bowel Pains, Croup, Whooping Cough and Pains Suffered by Gassed Veterans of the Late War. Important—In extreme cases use Extra Strong. Pneumatica seems to reach the seat of the trouble in a marvelously short space of time."

On March 3, 1931, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17971. Misbranding of Smith's specific compound, Smith's King of All Pain and Tex-A-Tine ointment. U. S. v. 3 Dozen Bottles of Smith's Specific Compound, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25312, 25313, 25314, 25320, 25427, 25428. I. S. Nos. 1698, 1699, 1700, 11286, 11953, 11954. S. Nos. 3579, 3587, 3676.)

Examination of the herein-described drug products having shown that the labels bore claims of curative and therapeutic properties that the articles did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On November 18 and December 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 23½ dozen bottles of Smith's specific compound, 9 dozen bottles of Smith's King of All Pain, and 3 dozen jars of Tex-A-Tine oint-

ment remaining in the original unbroken packages, in part at Grand Junction, Colo., and in part at Pueblo, Colo., consigned by the Texatine Medicine Co., alleging that the articles had been shipped in various lots, in part on or about October 4, 6, and 9, 1930, from Enid, Okla., in part on or about November 6, 1930, from Hot Springs, Ark., and in part on or about October 18, 1930, from Fort Smith Ark., and had been transported from the States of Oklahoma and Arkansas into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that Smith's specific compound consisted essentially of magnesium sulphate, a small proportion of salicylic acid, extracts of plant drugs, and water; Smith's King of All Pain consisted essentially of petroleum oils and nitrobenzene; and Tex-A-Tine ointment consisted essentially of petrolatum (97.4 per cent), a minute proportion of menthol, and cinchonidine (0.28 per cent).

It was alleged in the libels that the articles were misbranded in that the following statements regarding the curative and therapeutic effects of the said articles were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Smith's specific compound, bottle) "Specific Compound is indicated in all diseases of the Blood, Stomach, Liver and Kidneys, Boils, Carbuncles and Pimples, Scrofula and Eruptions of the Skin, Rheumatism in all its various forms. * * * Rheumatic Gout, Indigestion, Biliousness, Liver Trouble, Sick Headache, Nervousness, Hay Fever Catarrh, Eczema and Itching of the Skin, Malaria and La Grippe, Chills, Fever, Ague and all Malarial Diseases;" (Smith's King of All Pain, bottle) "King of All Pain! An Emergency Medicine in Case of Accident. For Neuralgia, Headache, Frosted Feet, Chilblains, Bruises, Sprains, Strains, Lumbago, Boils, Wounds, Cuts, Hoarseness, Deafness, Quinsy and Croup, Diarrhoea and Dysentery. * * * A Quick and Sure Relief from all Pains. Earache, and Toothache, Felons, Bunions and Corns, Burns, Scalds, Lamé Joints, Sciatica, Caked Breasts, Sore Throat, Tonsillitis, and in fact for all Aches and pains. * * * Apply a little to the Seat of pain;" (Tex-A-Tine ointment, jar) "Relief for Nasal Catarrh, Hay Fever, Eczema, Piles, Diseases of the Feet and Itching of the Skin."

On January 31, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17972. Misbranding of Dr. Whitehall's rheumatic remedy. U. S. v. 47 Cartons of Dr. Whitehall's Rheumatic Remedy. Default decree of destruction entered. (F. & D. No. 25496. I. S. No. 612. S. No. 3748.)

Examination of samples of a drug product, known as Dr. Whitehall's rheumatic remedy, having shown that the labels bore claims of curative and therapeutic properties which the article did not possess, the Secretary of Agriculture reported to the United States attorney for the Southern District of California, the herein-described shipment of a lot of the product located in Los Angeles, Calif.

On December 19, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 47 cartons of Dr. Whitehall's rheumatic remedy, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the McCullough Drug Co., Lawrenceburg, Ind., alleging that the article had been shipped from Lawrenceburg, Ind., on or about October 23, 1930, and transported from the State of Indiana into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acentanilide, sodium salicylate, sugar, starch, and talc.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the carton and in the accompanying circular, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Rheumatic Remedy * * * For Rheumatism and Gout * * * Directions: For acute or Inflammatory Rheumatism take a tablet every 2 to 4 hours. * * * In Chronic cases, after severe symptoms have * * * For Gout, Lumbago, Stiff, Swollen and Tender Joints, Crick in the Back, Stiff Neck, and ordinary forms of Rheumatism;" (circular) "Rheumatic Remedy. For Rheumatism & Gout. * * * For the